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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,258	12/09/2005	Fritz Lauper	HRG-PT027 (G 5789pct/us)	5031
3624	7590	11/27/2007	EXAMINER	
VOLPE AND KOENIG, P.C. UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103			LIN, ING HOUR	
			ART UNIT	PAPER NUMBER
			1793	
			MAIL DATE	DELIVERY MODE
			11/27/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/560,258

Applicant(s)

LAUPER ET AL.

Examiner

Ing-Hour Lin

Art Unit

1793

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2005 and 12 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/9/05</u>   | 6) <input type="checkbox"/> Other: _____                          |

DETAILED ACTION

*Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 62134165 in view of Lustenberger (US 4,215,854).

JP '165 (see abstract) substantially teaches the claimed casting machine for controlling movement of a ladle 1 attached to right and left rollers 7 along guiding grooves 9 of a guide sight plates and the ladle receiving cage 6 for the purpose of tilting the ladle and pouring molten metal from the ladle into a casting mold.

Brennan fails to teach the use of a unilaterally mounted swivel column. However, Lustenberger (col. 3, lines 56+) teaches the use of a unilaterally mounted swivel column 8a for the purpose of effectively transporting a work article such as a ladle to another workstation (col. 5,

lines 9+). It would have been obvious to one having ordinary skill in the art to provide JP '165 the use of unilaterally mounted swivel column as taught by Lustenberger in order to effectively pivotally and unilaterally transport a work article such as a ladle to another workstation (Lustenberger, col. 5, lines 9+).

5. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 62134165 in view of Lustenberger (US 4,215,854) as applied to claim 1 above and further in view of DE 1174704.

JP '165 in view of Lustenberger fails to teach the use of a carrying car. However, DE '704 (col. 4, lines 29+) teaches the use of a carrying car 2 having column 1 for supporting and carrying ladle 19 for the purpose of effectively transporting a ladle (col. 4, lines 58+). It would have been obvious to one having ordinary skill in the art to provide JP '165 in view of Lustenberger the use of a carrying car as taught by Zhukov et al in order to effectively pivotally and unilaterally transport a work article such as a ladle to another workstation (DE '704 (col. 4, lines 29+) .

6. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 62134165 in view of Lustenberger (US 4,215,854) and DE 1174704 as applied to claim 2-3 above and further in view of Shepherd et al (US 3,901,415).

JP '165 in view of Lustenberger and DE '704 fails to teach the use of guide rails having two parallel roller paths followed by tilting section. However, Shepherd et al (col. 2, lines 28+) teaches the use of guide rails having two parallel roller paths 22, 23 followed by tilting section

having ordinary skill in the art to provide JP '165 in view of Lustenberger and DE '704 the use of guide rails having two parallel roller paths followed by tilting section as taught by Shepherd et al in order to effectively transport a ladle and pour molten metal from the ladle into a casting mold (Shepherd et al (col. 3, lines 1+)

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ing-Hour Lin whose telephone number is (571) 272-1180. The examiner can normally be reached on M-F (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jonathan Johnson can be reached on (571) 272-1177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

I-H-L

I.-H. Lin

11-25-07



JONATHAN JOHNSON  
SUPERVISORY PATENT EXAMINER